

# **ATTACHMENT 37**

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY – SOURCE CODE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

CISCO SYSTEMS, INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No. 5:14-cv-05344-BLF (PSG)

**OPENING EXPERT REPORT OF KEVIN ALMEROOTH  
REGARDING COPYING**

**SUBMITTED ON BEHALF OF CISCO SYSTEMS, INC.**

**CONTAINS HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY INFORMATION  
AND SOURCE CODE**

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY – SOURCE CODE

evidence to suggest that Cisco copied them. In fact, Cisco has provided voluminous information detailing the provenance of the multi-word command expressions at issue in this case.<sup>211</sup>

261. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] If Arista puts forth a more coherent and clear theory or argument in its expert report that actually explains what its allegations are, I reserve the right to supplement this report and/or respond to such allegations.

#### **X. CONCLUSION**

262. For presentation of my testimony at trial I may create and use demonstratives, videos, and/or additional screenshots of the copyrighted works described in this report. In addition, I may demonstrate the use of one or more Arista and Cisco switches at trial in support of my testimony.

263. I reserve the right to supplement or amend my opinions in response to opinions expressed by Arista’s experts, or in light of any additional evidence, testimony, discovery or other information that may be provided to me after the date of this report. In addition, I reserve the right to consider and testify about issues that may be raised by Arista’s fact witnesses and

---

<sup>211</sup> See Cisco’s responses to Arista’s Interrogatory Nos. 2, 16, 19.

<sup>212</sup> Conversation with Kirk Loughed (June 2, 2016); *see also* Loughed Deposition Tr. 129:5-130:19, 166:24-169:16 (“I didn’t like his lack of hierarchy”; “I started building a hierarchy”) (Nov. 20, 2015); Loughed Deposition Tr. 332:6-23, 339:18-340:9 (April 4, 2016).